

APPEAL NO. 031935  
FILED SEPTEMBER 11, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 27, 2003. The hearing officer determined that the \_\_\_\_\_, compensable injury of appellant (claimant) did not extend to include organic brain syndrome or gastroesophagael reflux disease, and that claimant is not entitled to reimbursement of travel expenses for travel at the direction of Dr. B from February 27 through July 9, 2001. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends that he was "not allowed" to have legal counsel at the hearing to advise him and so he would know how to fill out forms. Claimant said some lawyers told him it was "illegal" to represent him. However, at the hearing, the hearing officer told claimant that she would continue the case if he wanted to try to obtain legal counsel and claimant said he wanted to go forward with the hearing. There was no showing that the hearing officer or the Texas Workers' Compensation Commission (Commission) prevented claimant from obtaining legal representation and we perceive no error. Texas Workers' Compensation Commission Appeal No. 91063, decided December 5, 1991. We note that it appears that the hearing was conducted fairly and impartially with no opportunity or right denied to appellant.

Claimant complains that carrier "denied his claim" after the benefit review conference, after it paid for some travel expenses, and asserts that payment is inconsistent with a denial. Carrier did not waive any right by paying for some travel expenses. In any case, it appears that the reason carrier denied some requested travel expenses was that claimant did not request them timely.

Claimant complains that he was not told that another hearing officer would not be hearing the case. Claimant did not have the right to have any particular hearing officer hearing his case and we perceive no error.

Claimant contends that the hearing officer failed to address issues raised at the hearing. The hearing officer addressed the issues raised at the hearing that were reported out of the benefit review conference. To the extent that claimant complains of the actions of carrier's adjuster and the education level of the adjuster, such did not raise any issues over which the Commission has jurisdiction. Claimant attached a list of "disputes" to his brief that generally were not relevant to the issues before the hearing officer. We note that one of the listed disputes was that "workers comp refuses to

inform me of policy changes that reflect on my benefits . . . .” However, claimant’s ignorance of the law and any rule changes does not excuse his noncompliance with the law. Texas Workers’ Compensation Commission Appeal No. 012020, decided October 9, 2001; Texas Workers’ Compensation Commission Appeal No. 951885, decided December 22, 1995. The Commission did not err in failing to contact claimant regarding any rules changes.

Claimant contends that he proved his medical case and that the benefit review officer (BRO) found that the organic brain syndrome and gastroesophageal reflux is related to the compensable injury. The hearing officer was not bound by the findings of the BRO. We have reviewed the complained-of determination regarding extent of injury and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer’s determination regarding extent of injury is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Claimant complains that the hearing officer determined that he is not entitled to reimbursement of travel expenses for travel at the direction of Dr. B from February 27 through July 9, 2001. Tex. W.C. Comm’n, 28 TEX. ADMIN. CODE § 134.6(b)(3) (Rule 134.6(b)(3)), which was effective July 15, 2000, states in pertinent part, that an injured employee is entitled to reimbursement for travel expenses only if “the injured employee submits the request to the insurance carrier in the form and manner prescribed by the Commission within one year of the date the injured employee incurred the expenses.” There was evidence that claimant requested reimbursement of these travel expenses on September 16, 2002. Therefore, the hearing officer did not err in applying Rule 134.6(b)(3) and denying the requested travel expenses.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
300 W. 15TH STREET  
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR  
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
P.O. BOX 13777  
AUSTIN, TEXAS 78711-3777.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Margaret L. Turner  
Appeals Judge